

TIER 3 CATEGORICAL EXCLUSION

**ARDOT JOB NUMBER 100878
FAP NUMBER STPR-0028(46)
HWY. 49/HWY. 34 INTERS. IMPVTS. (MARMADUKE) (S)
ROUTE 49, SECTION 2 & ROUTE 34, SECTION 4
GREENE COUNTY**

Submitted Pursuant to 42 U.S.C. 4332(2)
by the
U.S. Department of Transportation
Federal Highway Administration
and the
Arkansas Department of Transportation

April 2019

4/15/2019

Date of Approval



Randal Looney
Environmental Coordinator
Federal Highway Administration

The Environmental Division reviewed the referenced project and has determined it falls within the definition of the Tier 3 Categorical Exclusion as defined by the ARDOT/FHWA Memorandum of Agreement on the processing of Categorical Exclusions. The following information is included for your review and, if acceptable, approval as the environmental documentation for this project.

The purpose of this project is to correct deficiencies at the intersection of Highway 49 and Highway 34 in the City of Marmaduke. A project location map is enclosed.

The existing roadways consists of two 11' wide paved travel lanes with 3' wide shoulders with 4' wide sidewalks in some areas. Existing right of way is approximately 50' wide. The current intersection consists of a two-way stop on Highway 34 with no control on Highway 49. There are no dedicated turning lanes at the intersection. Total project length is 0.1 mile.

Proposed improvements on the approaches to the intersection include two 12' wide paved travel lanes with curb-and-gutter and a 3' berm and 5' wide sidewalks on both sides of each highway. The average proposed right of way will be 60' wide. The intersection will be reconstructed to a single-lane mini-roundabout with a traversable center to allow for turning movements by large trucks. Approximately 0.5 acre of additional right of way will be required for this project.

Design data for this project is as follows:

Design Year	Average Daily Traffic	Percent Trucks	Design Speed
2020	5,300 vpd	5	20 mph
2040	6,400 vpd		

There are no wetland, stream, floodplain, prime farmland, public water supply, environmental justice, or cultural resources impacts associated with this project. There will be one residential relocation; *Public Law 91-646, Uniform Relocation Assistance Act of 1970*, as amended, will apply. State Historic Preservation Officer clearance is enclosed.

Field inspections found evidence of existing underground storage tanks at current and former fuel station sites. Both sites previously had leaking underground storage tanks, but have been remediated or are in the process of remediation.

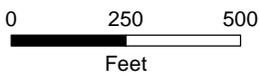
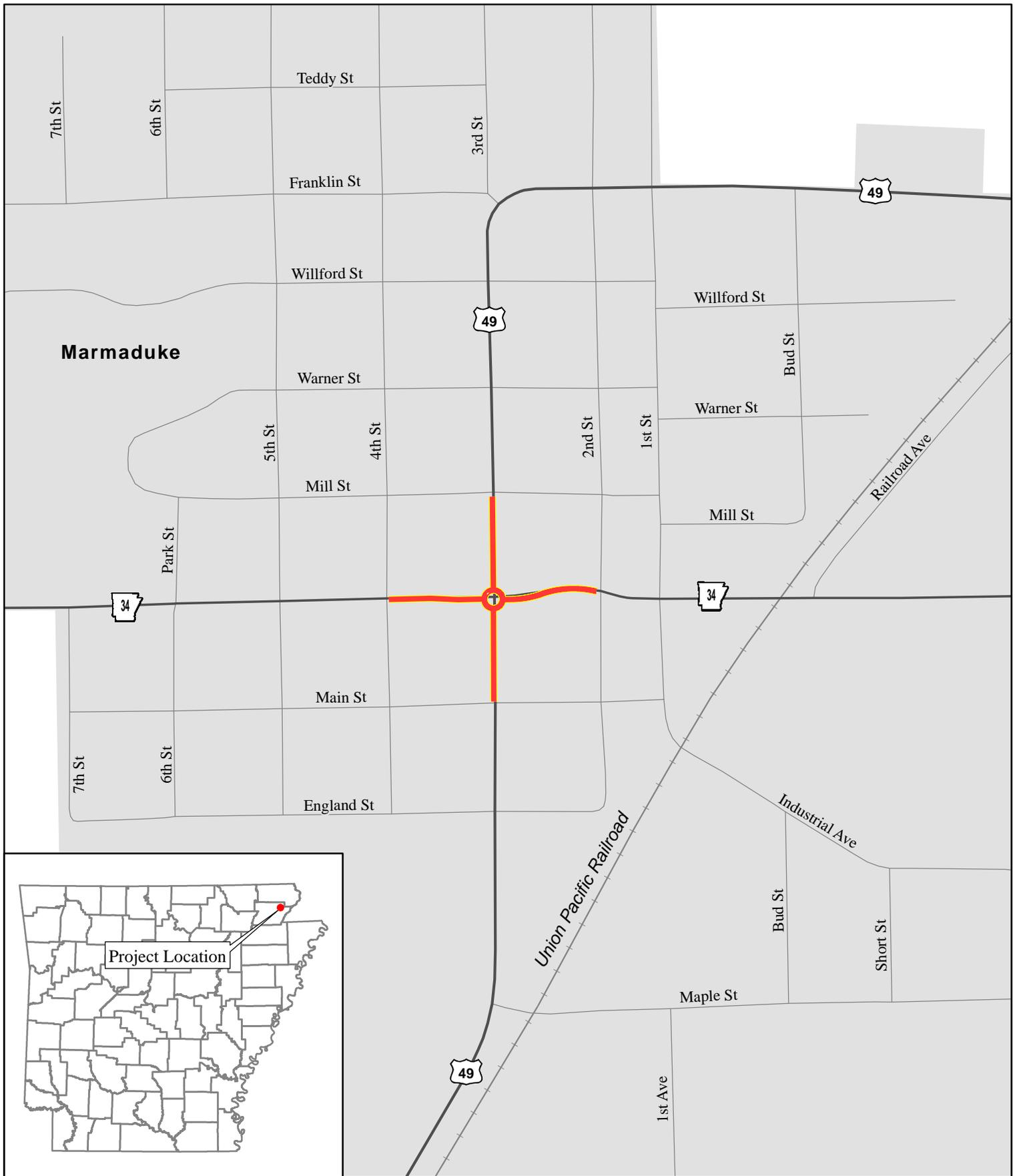
Any contamination or additional underground storage tanks discovered during construction will be removed in accordance with Arkansas Department of Environmental Quality regulations.

The enclosed official species list obtained through the U.S. Fish and Wildlife Service Information for Planning and Consultation website identified the following federally listed species as having the potential to occur in the project area: Indiana bat (*Myotis sodalis*), Fat Pocketbook (*Potamilus capax*), Rabbitsfoot (*Theliderma cylindrica*), Scaleshell Mussel (*Leptodea leptodon*), and pondberry (*Lindera melissifolia*). A “no effect” determination was made for all of the aforementioned federally listed species due to lack of suitable habitat in the project area.

Based on the ARDOT noise policy, a noise analysis is not required for this project. Constructing the roundabout will not involve adding capacity or exposing noise sensitive land uses to a new or existing highway noise source. Although reconfiguring the intersection into a roundabout will change the existing horizontal alignment, the distance to the nearest noise sensitive receptors will not be reduced by half.

This project has been determined to generate minimal air quality impacts for Clean Air Act criteria pollutants and has not been linked with any special mobile source air toxic (MSAT) concerns. As such, this project will not result in changes in traffic volumes, vehicle mix, basic project location, or any other factor that would cause a meaningful increase in MSAT impacts of the project from that of the no-build alternative.

An open-forum public involvement meeting was held on Tuesday, March 5, 2019. The public involvement synopsis is enclosed.



ARDOT - Environmental GIS - Dudley
April 5, 2019

Job 100878
Hwy. 49/Hwy. 34 Inters. Impvts.
(Marmaduke)
Greene County





THE DEPARTMENT OF ARKANSAS
HERITAGE

Asa Hutchinson
Governor

Stacy Hurst
Director

March 12, 2019

Mr. John Fleming
Division Head
Environmental Division
Arkansas State Highway and Transportation Department
P.O. Box 2261
Little Rock, AR 72203-2261

Arkansas Arts Council

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Arkansas Historic
Preservation Program

•

Arkansas Natural
Heritage Commission

•

Arkansas State Archives

•

Delta Cultural Center

•

Historic Arkansas Museum

•

Mosaic Templars
Cultural Center

•

Old State House Museum

RE: Greene County — General
Section 106 Review — FHWA
Response Letter: Hwy. 49/Hwy. 34 Inters. Impvts (Marmaduke) (S),
Route 49, Section 2; Route 34, Section 4
ARDOT Job Number 100878
AHPP Tracking Number 98492.01

Dear Mr. Fleming:

The staff of the Arkansas Historic Preservation Program (AHPP) reviewed the Project Identification Form (PIF) regarding the proposed construction of a roundabout in the town of Marmaduke, Greene County. Based on the provided information, the AHPP delivers a finding of No Historic Properties Affected pursuant to 36 CFR § 800.4(d)(1).

Thank you for the opportunity to review this undertaking and the well-researched PIF. Please refer to the AHPP Tracking Number listed above in all correspondence. If you have any questions, please call Eric Mills of my staff at 501-324-9784 or email eric.mills@arkansas.gov.

Sincerely,

Eric Mills
For
Scott Kaufman
Director, AHPP

cc: Mr. Randall Looney, Federal Highway Administration
Dr. Ann Early, Arkansas Archeological Survey



ARKANSAS HISTORIC
PRESERVATION PROGRAM



1100 North Street
Little Rock, AR 72201

(501) 324-9880
fax: (501) 324-9184

info@arkansaspreservation.org
www.arkansaspreservation.com



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Arkansas Ecological Services Field Office
110 South Amity Suite 300
Conway, AR 72032-8975
Phone: (501) 513-4470 Fax: (501) 513-4480
<http://www.fws.gov/arkansas-es>

In Reply Refer To:

January 30, 2019

Consultation Code: 04ER1000-2019-SLI-0319

Event Code: 04ER1000-2019-E-00613

Project Name: 100878 Hwy 49/Hwy 34 Intersection Improvements (Marmaduke)

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies endangered, threatened, proposed, and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*). **This letter only provides an official species list and technical assistance; if you determine that listed species and/or designated critical habitat may be affected in any way by the proposed project, even if the effect is wholly beneficial, consultation with the Service will be necessary.**

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found on our website.

Please visit our website at <http://www.fws.gov/arkansas-es/IPaC/home.html> for species-specific guidance to avoid and minimize adverse effects to federally endangered, threatened, proposed, and candidate species. Our web site also contains additional information on species life history and habitat requirements that may be useful in project planning.

If your project involves in-stream construction activities, oil and natural gas infrastructure, road construction, transmission lines, or communication towers, please review our project specific guidance at <http://www.fws.gov/arkansas-es/IPaC/ProjSpec.html>.

The karst region of Arkansas is a unique region that covers the **northern third of Arkansas** and we have specific guidance to conserve sensitive cave-obligate and bat species. **Please visit <http://www.fws.gov/arkansas-es/IPaC/Karst.html> to determine if your project occurs in the karst region and to view karst specific-guidance.** Proper implementation and maintenance of best management practices specified in these guidance documents is necessary to avoid adverse effects to federally protected species and often avoids the more lengthy formal consultation process.

If your species list includes any mussels, Northern Long-eared Bat, Indiana Bat, Yellowcheek Darter, Red-cockaded Woodpecker, or American Burying Beetle, your project may require a presence/absence and/or habitat survey prior to commencing project activities. Please check the appropriate species-specific guidance on our website to determine if your project requires a survey. We strongly recommend that you contact the appropriate staff species lead biologist (see office directory or species page) prior to conducting presence/absence surveys to ensure the appropriate level of effort and methodology.

Under the ESA, it is the responsibility of the Federal action agency or its designated representative to determine if a proposed action "may affect" endangered, threatened, or proposed species, or designated critical habitat, and if so, to consult with the Service further. Similarly, it is the responsibility of the Federal action agency or project proponent, not the Service, to make "no effect" determinations. If you determine that your proposed action will have "no effect" on threatened or endangered species or their respective critical habitat, you do not need to seek concurrence with the Service. Nevertheless, it is a violation of Federal law to harm or harass any federally-listed threatened or endangered fish or wildlife species without the appropriate permit.

Through the consultation process, we will analyze information contained in a biological assessment that you provide. If your proposed action is associated with Federal funding or permitting, consultation will occur with the Federal agency under section 7(a)(2) of the ESA. Otherwise, an incidental take permit pursuant to section 10(a)(1)(B) of the ESA (also known as a habitat conservation plan) is necessary to harm or harass federally listed threatened or endangered fish or wildlife species. In either case, there is no mechanism for authorizing incidental take "after-the-fact." For more information regarding formal consultation and HCPs, please see the Service's Consultation Handbook and Habitat Conservation Plans at www.fws.gov/engangered/esa-library/index.html#consultations.

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, **the accuracy of this species list should be verified after 90 days.** This verification can be

completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. **Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.**

Attachment(s):

- Official Species List

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Arkansas Ecological Services Field Office

110 South Amity Suite 300

Conway, AR 72032-8975

(501) 513-4470

Project Summary

Consultation Code: 04ER1000-2019-SLI-0319

Event Code: 04ER1000-2019-E-00613

Project Name: 100878 Hwy 49/Hwy 34 Intersection Improvements (Marmaduke)

Project Type: TRANSPORTATION

Project Description: Install a roundabout at the intersection of Highway 49 and Highway 34 at Marmaduke in Greene County.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/36.186992006000054N90.38400584363092W>



Counties: Greene, AR

Endangered Species Act Species

There is a total of 5 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Indiana Bat <i>Myotis sodalis</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/5949	Endangered

Clams

NAME	STATUS
Fat Pocketbook <i>Potamilus capax</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/2780	Endangered
Rabbitsfoot <i>Quadrula cylindrica cylindrica</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/5165	Threatened
Scaleshell Mussel <i>Leptodea leptodon</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/5881	Endangered

Flowering Plants

NAME	STATUS
Pondberry <i>Lindera melissifolia</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1279	Endangered

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

PUBLIC INVOLVEMENT SYNOPSIS

Job Number 100878

Hwy. 49/Hwy. 34 Inters. Impvts. (Marmaduke)

Greene County

Tuesday, March 5, 2019

An open forum public involvement meeting for the proposed project was held at the Marmaduke Community Center, 307 West Mill Street in Marmaduke, from 4:00 – 7:00 p.m. on Tuesday, March 5, 2019. Efforts to involve minorities and the public in the meeting included:

- Display advertisement placed in the *Paragould Daily Press* on Sunday, February 24, 2019 and Sunday, March 3, 2019.
- Outreach letters mailed to public officials.
- Distribution of flyers in the project area.

The purpose of the proposed project is to improve the intersection of Hwy. 49/Hwy. 34. The following information was available at the public involvement meeting for inspection and comment. Small-scale copies of the displays are attached.

- Preliminary design of the proposed project
- Aerial map of the project area
- Video of a mini-roundabout in use provided by the City of Marmaduke

Handouts for the public included a Citizen Comment Form and a small-scale project location map. Copies of these are attached.

Table 1 describes the results of the public participation at the meeting.

TABLE 1	
Public Participation	Totals
Attendance at meeting (including ARDOT staff)	49
Comments received	15
Letters received	1

ARDOT staff reviewed all comments received and evaluated their contents. The summary of comments listed below reflects the personal perception or opinion of the person or organization making the statement. The sequencing of the comments is random and is not intended to reflect importance or numerical values. Some of the comments were combined and/or paraphrased to simplify the synopsis process.

An analysis of the responses received as a result of the public survey is shown in Table 2.

TABLE 2	
Comment Form Selections	Total
Need for the proposed intersection improvements	8
Not a need for the proposed intersection improvements	5
Did not indicate need or no need for the improvements	2
Knowledge of cultural resources sites	4*
Knowledge of environmental constraints	1**
Believes beneficial impacts due to the proposed project	3
Believes adverse impacts due to the proposed project	3
Neither adverse nor beneficial impacts indicated	9

*Comments mentioned the Methodist church, historic marker, and a tree

**Comment mentioned possible underground storage tanks

A listing of general comments concerning the proposed project follows:

- At peak traffic, it takes a while to turn on to Highway 49 from Highway 34
- A four-way stop seems cheaper and easier for the community to get used to
- The proposed design could result in an increase in traffic accidents
- The proposed project is a waste of money
- The highway funding should instead be spent on widening Highway 49 between Paragould and Marmaduke
- Accessible parking and access should be maintained/moved at the Methodist church
- Impacts to the Methodist church and property should be minimized
- The proposed project will help with truck traffic
- The proposed project will improve speeds and beauty at the intersection
- Gas station driveways are a concern
- There is only a problem at the intersection during shift changes at area manufacturers
- A new road from the area manufacturers should be constructed instead of the proposed improvements
- All traffic should be rerouted during construction to ensure quicker completion
- The sidewalks, landscaping, and safety improvements will improve the community

Job Number 100878 – PI Synopsis

April 4, 2019

Page 3 of 3

Attachments:

Public handouts, including blank comment form

Small-scale display copies

RJ RF
DN DN
SS:am

**ARKANSAS DEPARTMENT OF TRANSPORTATION (ARDOT)
CITIZEN COMMENT FORM**

**ARDOT JOB NUMBER 100878
HWY. 49/HWY. 34 INTERS. IMPVTS. (MARMADUKE)
GREENE COUNTY**

**LOCATION:
MARMADUKE COMMUNITY CENTER
307 WEST MILL STREET
MARMADUKE, AR
4:00 – 7:00 P.M.
TUESDAY, MARCH 5, 2019**

Make your comments on this form and leave it with ARDOT personnel at the meeting or mail it by 4:30 p.m. on Wednesday, March 20, 2019 to: Arkansas Department of Transportation, Environmental Division, Post Office Box 2261, Little Rock, Arkansas 72203-2261. Email: environmentalmeetings@ardot.gov.

Yes No

Do you feel there is a need for the proposed intersection improvements to Highway 49/Highway 34 in Marmaduke? Comment (optional)_____

Do you have a suggestion that would make this proposed project better serve the needs of the community? Please note and discuss with staff.

Do you know of any historical sites, family cemeteries, or archaeological sites in the project area? Please note and discuss with staff.

(Continued on back)

Yes No

Do you know of any environmental constraints, such as endangered species, hazardous waste sites, existing or former landfills, or parks and public lands in the vicinity of the project? Please note and discuss with ARDOT staff. _____

Does your home or property offer any limitations to the project, such as septic systems, that the Department needs to consider in its design? _____

Do you feel that the proposed improvements project will have any impacts (Beneficial or Adverse) on your property and/or community (economic, environmental, social, etc.)? Please explain. _____

It is often necessary for ARDOT to contact property owners along potential routes. If you are a property owner along or adjacent to the route under consideration, please provide information below. Thank you.

Name : _____ (Please Print)

Address: _____ Phone: (_____) _____ -- _____

E-mail: _____

Please make additional comments here. _____



Meeting Location
 Marmaduke Community Center
 307 West Mill St.

N
 0 250 500
 Feet
 ARDOT - Environmental GIS - Dudley
 Map Date: February 28, 2019
 Meeting Date: March 5, 2019
 Public Involvement Handout



Job 100878
 Highway 49/Highway 34
 Intersection Improvements
 (Marmaduke)
 Greene County

Preliminary
 Subject
 to
 Revision

 Project Location

Notes: _____

**ARDOT ENVIRONMENTAL VERIFICATION CHECKLIST
FOR CONSIDERATION OF POTENTIAL IMPACTS**

ARDOT Job Number 100878 FAP Number STPR-0028(46)

Job Title Hwy. 49/Hwy. 32 Inters. Impvts. (Marmaduke) (S)

Environmental Resource	None	Minimal	Major	Comments-required for each item
Air Quality	X			No impacts anticipated
Cultural Resources	X			"No Historic Properties Affected"
Economic		X		Will benefit turning commercial truck traffic
Endangered Species	X			"No effect" on all listed species
Environmental Justice/Title VI	X			No impacts anticipated
Fish and Wildlife	X			No impacts anticipated
Floodplains	X			None in project area
Forest Service Property	X			None in project area
Hazardous Materials/Landfills	X			No impacts anticipated
Land Use		X		0.5 acre proposed right of way
Migratory Birds	X			No impacted structures with nests
Navigation/Coast Guard	X			No navigable waterways in project area
Noise Levels	X			No increases due to project
Prime Farmland	X			None in project area
Protected Waters	X			None in project area
Public Recreation Lands	X			None in project area
Public Water Supply/WHPA	X			Wellhead Protection SP added to contract
Relocatees		X		One residential relocation
Section 4(f)/6(f)	X			None in project area
Social	X			No impacts anticipated
Underground Storage Tanks	X			No impacts anticipated
Visual		X		Temporary impacts during construction
Streams	X			None in project area
Water Quality	X			No impacts anticipated
Wetlands	X			None in project area
Wildlife Refuges	X			None in project area

Section 401 Water Quality Certification Required? No
 Short-term Activity Authorization Required? No
 Section 404 Permit Required? No Type None

Remarks: _____

Signature of Evaluator *Susan Stapfield* Date April 10, 2019
 7/27/2018

ROADWAY DESIGN REQUEST

Job Number 100878 FAP No. _____ County Greene

Job Name Hwy. 49/Hwy. 34 Inters. Impvts. (Marmaduke) (S)

Design Engineer Stephen Sichmeller Environmental Staff _____

Brief Project Description Intersection Improvements: Mini-Roundabout

A. Existing Conditions:

Roadway Width: 22' Shoulder Type/Width: Open/3'

Number of Lanes and Width: 2 @ 11' Existing Right-of-Way: 50'

Sidewalks? Yes Location: LT. & RT. Width: 4'

Bike Lanes? No Location: N/A Width: N/A

B. Proposed Conditions:

Roadway Width: 26' Shoulder Type/Width: CCC&G

Number of Lanes and Width: 2 @ 12' Proposed Right-of-Way: 60'

Sidewalks? Yes Location: LT. & RT. Width: 5'

Bike Lanes? No Location: N/A Width: N/A

C. Construction Information:

If detour: Where: N/A Length: N/A

D. Design Traffic Data:

2020 ADT: 5300 2040 ADT: 6400 % Trucks: 5
Design Speed: 20 m.p.h.

E. Approximate total length of project: 0.126 mile(s)

F. Justification for proposed improvements: Intersection Improvements

G. Total Relocates: 1 Residences: 1 Businesses: 0

H. Have you coordinated with any outside agencies (e.g., FHWA, City, County, etc.)? No

Agency/Official	Person Contacted	Date